



41

1774

RECEIVED

DEC 08 2003

PATENT
2224-0181P

IN THE U.S. PATENT AND TRADEMARK OFFICE

TO 1774

Applicant: Katsuhiko SUMITA et al. Conf.: 3526

Appl. No.: 09/754,377 Group: 1774

Filed: January 5, 2001 Examiner: SHEWAREGED

For: IMAGE RECEIVING SHEET AND PROCESS FOR
PRODUCING THE SAMELARGE ENTITY TRANSMITTAL FORMCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 3, 2003

Sir:

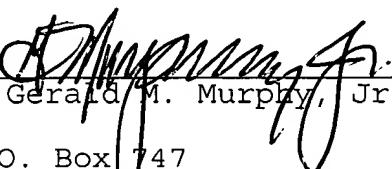
Transmitted herewith is a Request for Reconsideration in the above-identified application.

- The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- Petition for _____ month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- No fee is required.
- A check in the amount of \$0.00 is enclosed.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

RG
GMM/RG:gmh
2224-0181P

Attachment(s)

(Rev. 09/30/03)



RECEIVED

DEC 08 2003

TC 1700

PATENT
2224-0181P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Katsuhiko SUMITA et al. Conf.: 3526

Appl. No.: 09/754,377 Group: 1774

Filed: January 5, 2001 Examiner: SHEWAREGED

For: IMAGE RECEIVING SHEET AND PROCESS FOR
PRODUCING THE SAME

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 3, 2003

Sir:

This is in response to the Office Action that was mailed on September 3, 2003. Claims 1, 3, 4, 6, 7, 9, 13, 14, 16, and 17 are in the case.

Applicants gratefully acknowledge the Examiner's indication that claims 3, 4, 6, 7, and 9 are allowable in substance.

Claims 1, 13, 14, 16, and 17 are rejected as being anticipated by or unpatentable over US 4,803,256 (Luckenbach). The rejection is respectfully traversed.

Luckenbach is directed to a method of altering the surface of a solid synthetic polymer. Luckenbach teaches that "the present invention enhances

some of the functional properties of the treated textile, namely, with continuous polyester filament, the end product is totally lint free. The polyester end product ... has enhanced printability, and in some cases, the instant process creates printability on textile ...". Column 4, lines 33-42. The method of altering the surface of a solid synthetic polymer comprises (I) contacting the polymer with a bath of a swelling agent, or a mixture of swelling agents, and a base, at a pH of seven or greater, (II) heating the bath to a temperature of at least 200 degrees F. for a time of at least 1 second, (III) acidifying the bath to a pH of less than 7, and (IV) separating the polymer from the bath, whereby a polymer having an altered surface is obtained. See e.g. claim 1.

Furthermore, claim 3 for instance teaches an active substance-contacting step between the acidifying step and the separating step. Regarding the active substance, the reference discloses that the active substance is an anionic copolymer of ethylene glycol, polyethylene glycol, aromatic dicarboxylic acid, and alkali metal salt of a sulfonate aromatic dicarboxylic acid. See e.g. claim 13. In this respect, it is noted that the anionic copolymers are those set forth in US 4,427,557. See column 9, lines 17-18 of Luckenbach.

Incidentally, the reference teaches that "the acids useful herein are both the mineral acids and the organic acids, preferred are the organic carboxylic acids ... such as formic, acetic, propionic and the like". Column 7, lines 46-49.

Moreover, Luckenbach mentions that “the active substances useful in step (IV) of this invention, are many and varied. Generally, it is desirable to attain certain functional properties through the use of the active substances. Such preferred functional properties are for example, softening, ... printability, increased hydrophilicity, ... to name a few”. Column 8, lines 45-55.

Claims 1, 13, 14, and 16 herein each requires among other things a porous layer of a laminate or a porous support that contains an organic acid. The Examiner alleges that Luckenbach teaches contacting polyester “with an active substance such as aromatic dicarboxylic acid (claims 4 and 13)”. What Luckenbach actually teaches in claim 13 is that “the active substance is an anionic **copolymer of (A)** ethylene glycol polyethylene glycol, **(B)** aromatic dicarboxylic acid **and (C)** alkali metal salt of a sulfonated aromatic dicarboxylic acid” – emphasis and outlining supplied. The active substance of Luckenbach claim 13 does not contain an aromatic dicarboxylic acid, it contains a polymer which incorporates ester moieties derived from aromatic dicarboxylic acids.

That is, free aromatic dicarboxylic acid is not taught by the reference. This is clearly established by the fact that US 4,427,557, to which Luckenbach refers with respect to the anionic copolymer, discloses a “copolyester ... comprising a copolyester of (1) ethylene glycol, (2) polyethylene glycol ..., (3) aromatic dicarboxylic acid ..., and (D) an alkali metal salt of a sulfonated aromatic

dicarboxylic acid". See e.g. claim 1 of us 4,427,557. (A copy of US 4,427,557 is enclosed for the convenience of the Examiner.)

Finally, it is noted that Luckenbach fails to teach the technical relation of printability and the aromatic dicarboxylic acid as well as the function or role of the aromatic dicarboxylic acid. Those of ordinary skill in the art would not be motivated by Luckenbach to use the specified organic acid including aromatic dicarboxylic acids in combination with porous layers or porous supports.

The disclosure herein makes it crystal clear that Applicants are not (mis)using the language "contains an organic acid" to include "contains compounds that are derived from organic acids but that are no longer organic acids". The specification teaches, for instance, in paragraph [0059], that "the organic acid can be used in the form of a salt". The specification does not indicate that the organic acid can be converted into an ester or amide or any other such non-ionic derivative.

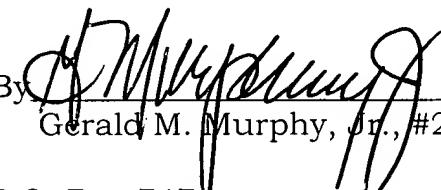
Applicants respectfully solicit withdrawal of the rejections of record.

Should there be any outstanding issues to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

GMM/RG
2224-0181P

Encl.: US 4,427,557